

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John Brownlie et al.)	Examiner: Unknown
)	
Serial No.:	10/522,513)	Art Unit: 1653
)	
Filed:	January 27, 2005)	
)	
I.A. Filing Date:	July 1, 2003)	
)	
CANINE RESPIRATORY CORONAVIRUS (CRCV))			
SPIKE PROTEIN, POLYMERASE AND)			
HEMAGGLUTININ/ESTERASE)			

**SECOND REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO
WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop PCT

Attn: Office of PCT Legal Administration
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the reasons set forth below, Petitioner respectfully requests reconsideration of the Decisions On Petition to Withdraw Holding of Abandonment dated December 1, 2006 and August 25, 2006 in the above-identified application.

As stated in MPEP 711.03(c):

"To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must (1) include a statement from the practitioner stating that the Office communication was not received by the practitioner and (2) attesting to the fact that a search of the

file jacket and docket records indicates that the Office communication was not received. (3) A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." (Numerals 1, 2 and 3 added for emphasis).

In regard to Item (1) of the required showing set forth above, Petitioner submits that it has included a statement that the Office Action was not received by the Practitioner. In particular, Petitioner previously stated that "[a] search of the file jacket and docket record for the subject application indicates that said Notification was never received by the Attorneys of Record, Jaeckle Fleischman & Mugel, LLP (JFM)." *See Petition, pg. 2, 1st ¶.* The Decision dated December 1, 2006 indicates that Item (1) has been satisfied. *See Decision dated December 1, 2006, pg. 2.*

In regard to Item (2), Petitioner hereby states that a search was conducted of the file jacket and of JFM's docket records for the date that a response to the Notification of Defective Response ("Notice") was due (i.e., March 7, 2006). The result of said search indicates that the Notice was not received at the correspondence address of record on or before the deadline of March 7, 2006. Petitioner hereby submits that Item (2) is now satisfied.

In regard to Item (3), Petitioner has submitted herewith a true copy of JFM's docket records for the date that a response to the Notice was due (i.e., March 7, 2006). *See Exhibit A.* The docket report generated by JFM's docketing system as provided in Exhibit A shows all applications for which a response or other action was due on March 7, 2006. As can be seen in

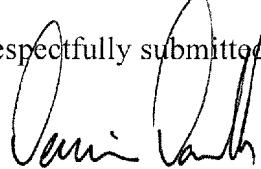
Exhibit A, the docket report does not contain the due date for a response to the Notice for the subject application. If Petitioner had received the Notice mailed on February 7, 2006 on or before the deadline of March 7, 2006, the subject application would have appeared on the docket report in Exhibit A having an entry listed under the "Actions Due" column showing a response due for the Notice with a deadline of March 7, 2006 listed under the "Due Date" column. Since a deadline to respond to the Notice does not appear on the docket report in Exhibit A, Petitioner submits that the Notice had not been received by Petitioner on or before the deadline of March 7, 2006.

In view of the above, Petitioner submits that a proper showing of Items (1), (2) and (3) has been made, thereby establishing non-receipt of the Notification of Defective Response mailed by the U.S. Patent Office on February 7, 2006 on or before the deadline of March 7, 2006. Accordingly, second reconsideration and grant of the Petition filed on June 2, 2006 is respectfully requested.

Petitioner does not believe that any fee is due at this time. However, the Commissioner is hereby authorized to charge any additional fee that may have been overlooked to Deposit Account No. 10-0223.

Date: 12/13/06

Respectfully submitted,



Dennis B. Danella, Esq.
Reg. No. 46,653

PATENT
Application Serial No. 10/522,513
Docket No.: 87792.017905
Second Request for Reconsideration

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Exhibit A

DocketNumber	SubCase	Country	CountryName	CaseType	ApplicationStatus	Text18	ActionType	BaseDate	Appl No.	ResponseDate	CreatedBy	Userid	DateCreated	LastUpdate	DueDate	Indicator	DateTaken
89190.115303		US	United States of America	PRI	Pending				38.229	18-Aug-2005	10/29/9,819	01-Sep-2005	EAK	23-Aug-2005	08-Sep-2005	ActionDue	
															18-Aug-2005	Due Date	
															017-Sep-2005	Reminder	
															017-Sep-2005	Action	
															017-Oct-2005	Due Date	
															017-Sep-2005	Due Date	
															017-Sep-2005	Due Date	
															017-Nov-2005	Due Date	
															017-Dec-2005	Final	
															017-Sep-2005		
901558.051304	1	US	United States of America	ORD	Transferred				38.531	US Assignment	07-Sep-2005	11/168,050	EAK	08-Sep-2005	108-Sep-2005	ActionDue	
															017-Mar-2006	Due Date	
															017-Mar-2006	Final	
															017-Sep-2005		
89190.072602	US	United States of America	PRJ	Pending		37509	US-Final Office Action	07-Sep-2005	10/238,093	07-Nov-2005	EAK	23-Sep-2005	08-Nov-2005	ActionDue			
															017-Mar-2006	Due Date	
															018-Sep-2005	Final	
															017-Nov-2005		
89190.073602	US	United States of America	PRJ	Pending		37509	US-Advisory Action	05-Dec-2005	10/238,093	04-Jan-2006	EAK	14-Dec-2005	06-Jan-2006	ActionDue			
															017-Dec-2005	Due Date	
															017-Nov-2005	Reminder	
															017-Nov-2005	Action	
															017-Dec-2005	Due Date	
															017-Jan-2006	Due Date	
															017-Jan-2006	Final	
91355.119003	US	United States of America	PRJ	Granted		37993	US-Allowance	07-Dec-2005	10/755,248		EAK	15-Dec-2005	23-May-2006	ActionDue			
															017-Dec-2005	Due Date	
															017-Nov-2005	Reminder	
															017-Nov-2005	Action	
89190.072705	US	United States of America	PRJ	Pending		38755	Post Card Check	07-Feb-2006	11/348,808		EAK	08-Feb-2006	24-Feb-2006	ActionDue			
															017-Mar-2006	Due Date	
															017-Mar-2006	Final	
															012-Jan-1900		
89190.073705	US	United States of America	PRJ	Pending		38755	Rule 56 Letter	07-Feb-2006	11/348,808		EAK	08-Feb-2006	08-Feb-2006	ActionDue			
															017-Mar-2006	Due Date	
															017-Mar-2006	Final	
															012-Jan-1900		
89190.097305	US	United States of America	PRJ	Pending		38755	Post Card Check	07-Feb-2006	11/348,770		EAK	08-Feb-2006	21-Feb-2006	ActionDue			
															017-Mar-2006	Due Date	
															017-Mar-2006	Final	
															012-Jan-1900		
89190.097305	US	United States of America	PRJ	Pending		38755	Rule 56 Letter	07-Feb-2006	11/348,770		EAK	08-Feb-2006	08-Feb-2006	ActionDue			
															017-Mar-2006	Due Date	
															017-Mar-2006	Final	
															012-Jan-1900		
89443.112102	DE	Germany	PCT	Published		36040	Office Action Received?	07-Mar-2006	198,82,073,7		EAK	28-Feb-2006	06-Mar-2006	ActionDue			
															017-Mar-2006	Due Date	
															016-Mar-2006	Final	
															012-Jan-1900		
91328.092003	2	US	United States of America	ORD	Granted	37789	Instrument agent re issue fees	07-Mar-2006	10/250,443		EAK	01-Mar-2006	06-Mar-2006	ActionDue			
															017-Mar-2006	Due Date	
															016-Mar-2006	Final	
															012-Jan-1900		